

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: Exquisite Designs by §
Castlerock & Company, Inc. § Civil Action No. 4:14-cv-2706
§
Debtor. § Bankruptcy Case No. 12-38337
§
Exquisite Designs by §
Castlerock & Company, Inc., §
§
Brad Jones, as Shareholder, §
Owner, Officer, and Director, of §
said Corporation, and as Part In §
Interest, §
§
Appellants, §
§
vs. §
§
Ronald J. Sommers, Chapter 7 §
Trustee, §
§
United States Trustee, §
§
Deutsche Bank National §
Trust Company, as Trustee for §
the Holders of Morgan Stanley §
Mortgage Loan Trust §
2005-5AR, §
§
The Bank of New York §
Mellon fka The Bank of New §
York as Trustee for the §
Certificateholders of CWMBS, §
Inc., CHL Mortgage Pass- §
Through Trust 2004-15, §
Mortgage Pass-Through §
Certificates, Series 2004-15, §
§
The Bank of New York Mellon §
fka The Bank of New York, as §
trustee for the Certificateholders §
of the CWALT, Inc., Alternative §

Loan Trust 2007-HY2	§
Mortgage Pass-Through	§
Certificates, Series 2007-HY2,	§
	§
Bank of America, Servicing	§
Agent	§
Appellees.	§

**MOTION TO DEFER BRIEFING UNTIL THE COURT DETERMINES STATUS
OF THE REPRESENTATION OF PARTIES**

This appeal was filed by Brad Jones as sole owner of the Debtor in the bankruptcy case and also in the name of the Debtor appealing the conversion from Chapter 11 to Chapter 7. Although there were plans to attempt to obtain a stay of the order of the Bankruptcy Court, one was not sought in the end. The Chapter 7 Trustee and Mr. Jones the owner of the corporation and who is liable for debt on some corporate assets, had a good relationship until recently when the Trustee settled a state court law suit with Bank of America as well as possibly other parties. It appears that a term of this settlement is for the Chapter 7 Trustee to discontinue the appeal and to seek the removal of this Counsel Mr. Wathen from representing Brad Jones with respect to this litigation citing a conflict of interest. The Court has previously extended the deadline to April 15, 2015.

Since the filing of the last motion the situation has changed significantly in that this counsel's health problems require me to take a leave of absence from most of my law practice likely for a year or two. I am in the process of finding replacement counsel for most of my cases and even if the Court ends up permitting me to continue to represent Mr. Jones in this appeal in spite of the claimed conflict of interest, it is unclear whether I will be able to continue for health reasons. I am in the process of finding other counsel for Mr. Jones and I hope this effort will be successful. I will be filing the motion to

determine the status of the representation as previously promised and it would of course be mooted if another counsel is found.

Mr. Jones would be irrevocably prejudiced if the deadline is not extended to allow him to have time to hire new counsel. June 15, 2015 ought to allow plenty of time for the Court to consider the other Motion.

Carolyn Carollo who represents the Chapter 7 Estate and Gary F. Cerasoulo who represents the Bank Appellees was contacted on April 13, 2015 by email but the positions of their clients are not known at this time as they have not had an opportunity to respond given the time frame. Therefore, Mr. Jones moves that the deadline for his Appellant's Brief be extended to June 15, 2015.

Respectfully Submitted,

04/13/2015
Date

/s/ Alexander B. Wathen
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CERTIFICATE OF SERVICE

I certify that I have or am contemporaneously serving a copy of this document on the entities listed below either by first class mail if their address is listed or if no address is listed through the Clerk by electronic mail. If the Clerk did not serve any of the below entities electronically then the undersigned counsel did so.

Brad Jones, via email bjones@castlerockinvestment.com

Carolyn Carollo, via email carolyncarollo@snowspencelaw.com (for the Chapter 7 Trustee).

Gary F. Cerasoulo, via email gary.cerasuolo@sbcglobal.net (for Bank of America and other Bank Appellees).

Any others receiving ECF notices.

04/13/2015
Date

/s/ Alexander B. Wathen
Alexander B. Wathen